

House Bill 1389

By: Representatives Harden of the 28th, Pruett of the 144th, Morris of the 155th, Austin of the 10th, Williams of the 178th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to general provisions relating to public assistance, so as to require random drug testing for recipients of certain public assistance; to amend Article 7 of Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to unemployment compensation benefits, so as to require random drug testing for recipients of unemployment compensation benefits; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 7 of Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to unemployment compensation benefits, is amended by adding a new Code section to read as follows:

"34-8-190.1

(a) The Commissioner shall institute a random drug testing program for all claimants or recipients of unemployment compensation benefits administered under this article.

(b) The Commissioner shall deny, or otherwise deem ineligible, any claimant or recipient of unemployment compensation benefits, if the claimant or recipient fails a drug test for illegal consumption of any marijuana, dangerous drugs, or controlled substances.

(c) Any claimant or recipient of unemployment compensation benefits shall submit at least once per year to the Commissioner's random drug testing program as a requirement for eligibility or continued receipt of such benefits. Failure to comply shall be the same as failing a drug test, and the claimant or recipient shall be considered ineligible for unemployment compensation benefits until agreeing to submit and passing the Commissioner's random drug testing program.

(d) Any claimant or recipient of unemployment compensation benefits denied, or otherwise deemed ineligible, by the Commissioner following a failure of a second drug test

as required by the drug testing program shall be ineligible to receive, or prohibited from reapplying for, such benefits for a period of two years from the date that the Commissioner denied a claimant or recipient's claim or determined the claimant or recipient to be ineligible pursuant to this Code section. Any claimant denied or deemed to be ineligible under this Code section shall submit to a mandatory drug test as part of a reapplication for unemployment compensation benefits.

(e) The Commissioner shall be responsible for ensuring that claimants and recipients chosen for drug testing are selected at random, and not by any other criteria, including, but not limited to, suspicion of drug use, previous drug use, or criminal conviction for drug use or possession.

(f) The Commissioner shall be responsible for ensuring the confidentiality of any and all drug test results administered as part of the program. Random drug test results shall only be used for the purpose of denying, or determining eligibility for continued receipt of, unemployment compensation benefits. At no time shall drug test results be released to any public or private person or entity except as requested by the person tested or the Department of Human Services.

(g) The costs of the drug test administered pursuant to this Code section shall be paid for by the claimant or recipient or deducted from unemployment benefits provided to the recipient."

SECTION 2.

Article 1 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to general provisions relating to public assistance, is amended by adding a new Code section to read as follows:

"49-4-3.1.

(a) The Department of Human Services shall institute a random drug testing program for all applicants for, or recipients of, state public assistance and state administered federal public assistance where the applicant or recipient is 18 years of age or older; provided, however, that the provisions this subsection shall not apply to any public assistance related to the provision of medical care or any public assistance provided, directly or indirectly, for the benefit of persons under the age 18.

(b) The department shall deny, or otherwise deem ineligible, any applicant for, or recipient of, such state assistance or state administered federal assistance, if the applicant or recipient fails a drug test for illegal consumption of any marijuana, dangerous drugs, or controlled substances.

(c) Any applicant or recipient of state assistance or state administered federal assistance shall submit at least once per year to the department's random drug testing program as a

requirement for eligibility or continued receipt of such assistance. Failure to comply shall be the same as failing a drug test and the applicant or recipient shall be considered ineligible for state assistance or state administered federal assistance until agreeing to submit and passing the department's random drug testing program.

(d) Any applicant or recipient of state assistance or state administered federal assistance denied, or otherwise deemed ineligible, by the department following a failure of a second drug test as required by the drug testing program shall be ineligible to receive, or prohibited from reapplying for, such benefits for a period of two years from the date that the department denied an applicant's claim or determined the applicant to be ineligible pursuant to this Code section. Any applicant denied or deemed to be ineligible under this Code section shall submit to a mandatory drug test as part of a reapplication for state assistance or state administered federal assistance or both.

(e) The department shall be responsible for ensuring that applicants and recipients chosen for drug testing are selected at random, and not by any other criteria, including, but not limited to, suspicion of drug use, previous drug use, or criminal conviction for drug use or possession.

(f) The department shall be responsible for ensuring the confidentiality of any and all drug test results administered as part of the program. Random drug test results shall only be used for the purpose of denying, or determining eligibility for continued receipt of, state public assistance or state administered federal public assistance or both. At no time shall drug test results be released to any public or private person or entity except as requested by the person tested or the Department of Labor.

(g) The costs of the drug test administered pursuant to this Code section shall be paid by the applicant or recipient or deducted from benefits provided to the recipient."

SECTION 3.

This Act shall become effective on January 1, 2011, and apply to applicants, claimants, and recipients on or after such date.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.